

**From:** (b) (6)  
**To:** [McGuigan, David](#)  
**Subject:** Fwd: NPDES Permit # DE0000736  
**Date:** Wednesday, October 08, 2014 6:09:34 PM

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Mr. McGuigan,  
Does the EPA plan on responding to my October 2, 2014 E-Mail regarding terminating NPDES Permit # DE0000736?

Thank you,

(b) (6)

----- Forwarded message -----

From: (b) (6) >  
Date: Thu, Oct 2, 2014 at 4:56 PM  
Subject: Re: NPDES Permit # DE0000736  
To: "Holmes, Virgil (DNREC)" <[Virgil.Holmes@state.de.us](mailto:Virgil.Holmes@state.de.us)>  
Cc: "McGuigan, David" <[Mcguigan.David@epa.gov](mailto:Mcguigan.David@epa.gov)>, "[Capacasa.jon@epa.gov](mailto:Capacasa.jon@epa.gov)" <[Capacasa.jon@epa.gov](mailto:Capacasa.jon@epa.gov)>

October 2, 2014

Mr. Virgil Holmes - DNREC

Mr. David McGuigan - EPA

Mr. Holmes, thank you for your October 1, 2014 response to my September 26, 2014 E-Mail. Obviously, I am disappointed in DNREC continuing to justify, defend and keep open NPDES Permit # DE0000736 that has failed to meet its permit and Inland Bays TMDL requirements for the last 14 years under DNREC's and the EPA's watch. In addition, now that the permittee no longer holds title to the property associated with the permit should itself justify its immediate termination and declare the permit invalid.

However, instead of responding to the crux of my September 26, 2014 E-mail requesting the permit be terminated immediately and all discharging into the Indian River cease, you respond by stating transitional issues remain a new permit is pending regarding future operations at the site.

Transitional issues may have been valid if the Pickle plant was still in operation and this all was just a change of ownership. But, we all know that is not the case and the chicken slaughterhouse will have greater Nutrient requirements and discharges to offset. Therefore, the existing permit and its limits and requirements have no validity now, again justifying the old permit should be terminated. In addition, the old permit required the planting and harvesting of reed canary grass as well as the pumping and treating of groundwater to meet its offset requirements, something Pinnacle stopped doing two years ago. Therefore, even the bogus nutrient offsets DNREC established are not even being met.

Regarding your comment associated with a new permit by Harim, we believe the full intent of

the 1998 lawsuit establishing Inland Bays TMDL limits and requiring all direct discharges by point sources within the Inland Bays to cease by 2008 be honored and enforced. Therefore, no new NPDES permit would be required because there would be no direct discharge to the Indian River by this point source and that includes Harim Millsboro LLC.

We are hoping people are directing Harim in the preferred direction of a full closed loop system whereby the wastewater is reclaimed and totally recycled to be used on the input side of the chicken processing plant negating any discharge to the river or the path taken by the Millsboro Sewage Treatment Plant (STP). As you know, the Millsboro STP purchased a 400 plus acre farm 4-5 miles out of town and pumps their discharge to that site to a RIB along with spray irrigation. Surely the option used by the honest people of the town of Millsboro to eliminate their direct discharge to the river would be good enough for a Korean slaughterhouse.

Mr. McGuigan, you clearly stated in writing in the past that the EPA has oversight responsibilities regarding Delaware NPDES permits. I am therefore requesting that you provide an EPA response as to why NPDES Permit # DE0000736 should not be immediately terminated and all discharging from this point source stop immediately as well as any comments regarding Mr. Holmes October 1, 2014 E-Mail. Mr. McGuigan, show the people of Millsboro the EPA has a pair of balls, have the permit terminated immediately as well as all discharging from this point source. Otherwise, your so called oversight responsibilities that you claim the EPA has are non-existent.

Let's hope honesty, integrity, the Inland Bay TMDL requirements and other environmental rules apply and will be enforced this go around. The Pinnacle plant dumped excess amounts of Nitrogen and Phosphorus for 14 years further polluting the Indian River under DNREC's bogus Nutrient offsets and the EPA's less than watchful eye. The people of Millsboro expect environmental agencies to do their jobs and protect the people and protect the environment not bow to every politician and special interest group that comes along.

Your prompt action and response to this request is appreciated.

Thank you,

(b) (6)

On Wed, Oct 1, 2014 at 10:07 AM, Holmes, Virgil (DNREC) <[Virgil.Holmes@state.de.us](mailto:Virgil.Holmes@state.de.us)> wrote:

(b) (6),

Thank you for your e-mail dated September 26, 2014.

While the Property Transfer Date of the Pinnacle Foods Group, LLC property is September 15, 2014, several transitional issues still remain to be addressed to fully complete this transaction. One such issue is the submission of an application for a permit to address the future operations proposed by the new owner. This permit application and approval process will be conducted in accordance with the provisions of 7 *Del. C.* Chapter 60 and 7 *Del. Admin. C.* §7201-6.0 of the *Regulations Governing the Control of Water Pollution*.

Virgil R. Holmes

**From:** (b) (6) ]  
**Sent:** Friday, September 26, 2014 11:14 AM  
**To:** McGuigan, David; Holmes, Virgil (DNREC)  
**Cc:** [Capacasa.jon@epa.gov](mailto:Capacasa.jon@epa.gov)  
**Subject:** NPDES Permit # DE0000736

September 26, 2014

Mr. David McGuigan – EPA Region III

Mr. Virgil Holmes – DNREC

Re: NPDES Permit # DE0000736

Gentlemen,

I am writing this request as a concerned resident of the town of Millsboro, DE. As you are aware the Pinnacle Foods/Vlasic Pickle Plant was officially sold to Harim Millsboro LLC on September 17, 2014. Therefore, the permittee (Pinnacle Foods) listed on NPDES Permit # DE0000736 is no longer the owner of the aforementioned property. In addition, we have been told by the EPA, who has oversight responsibilities for NPDES permits, that this discharge permit is **not** transferable.

Based on the above, NPDES Permit #DE0000736 should be considered null and void all discharges coming from the wastewater treatment plant on the old Pinnacle site cease immediately if that hasn't happened already. In addition, based on past legal action and established TMDL requirements for this point source and the Inland Bays, this should prevent all future direct charges into the Indian River from this site by Harim Millsboro LLC or any other party.

Please acknowledge that this permit has been terminated and all direct wastewater discharges from this point source has stopped.

Your prompt action and response to this request is appreciated.

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[REDACTED]

[REDACTED]

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